

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND THOMPSON,
Plaintiff,
v.
JIMMINEZ, et al.,
Defendant

No. 1:21-cv-0165 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 15)

Raymond Thompson filed this action under 42 U.S.C. § 1983, seeking to hold several individuals employed at Kern Valley State Prison liable for violations of his civil rights. (Doc. 1.) The magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and determined Plaintiff did not state a cognizable claim. (Doc. 15 at 4-8.) Plaintiff was granted the opportunity to file an amended complaint, and informed he may also choose to file a notice of voluntary dismissal. (*Id.* at 9-10.) Plaintiff was informed that if he failed to timely respond in any way to the Court's order, the magistrate judge would recommend the action be dismissed. (*Id.* at 10.)

After Plaintiff failed to respond to the Order, the magistrate judge found Plaintiff failed to comply with the Screening Order and failed to prosecute the action. (Doc. 15 at 3-5.) Therefore, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 5.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections

1 were due within 14 days. (*Id.*) The Court advised Plaintiff that the “failure to file objections
2 within the specified time may result in waiver of his rights on appeal.” (*Id.*, citing *Wilkerson v.*
3 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to
4 do so has passed.

5 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
6 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
7 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations dated January 2, 2024 (Doc. 15) are
9 **ADOPTED** in full.
- 10 2. The action is **DISMISSED** without prejudice for Plaintiff’s failure to obey the
11 Court’s order and failure to prosecute.
- 12 3. The Clerk of Court shall close this case.

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14 IT IS SO ORDERED.

15 Dated: February 8, 2024


UNITED STATES DISTRICT JUDGE

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